

JOURNAL OF THE HOUSE.

Tuesday, November 13, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Compassion and Truth, we pray for Your guidance as we take up and evaluate the legislative items on our agenda for today. In our communities, help us to plan and to dialogue with friends and constituents in our common efforts to solve and resolve current complex and often sensitive matters in a just and responsible manner. Teach us to plan correctly for both the present and future well-being of the people, our communities and this Commonwealth in our changing and competitive world. Inspire us to be guided by traditional principles and human and spiritual values which help build a stable, peaceful, orderly and prosperous society in which the rights of all are respected.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Veto.

Michael Antonucci, sick leave.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill establishing a sick leave bank for Michael Antonucci, an employee of the Department of Correction [see House, No. 4224, amended] (for message, see House, No. 4368) was filed in the Office of the Clerk on Thursday, November 8.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next session, the question being on passing said bill, notwithstanding the said objections.

Appointment to a Special Commission.

Economic opportunity commission, appointment.

The Speaker announced the appointment of Representative Honan of Boston to the special commission established (under Section 117 of Chapter 123 of the Acts of 2006) for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the Commonwealth achieve long-term, sustainable economic security and self-sufficiency and enjoy economic opportunity.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Casey of Winchester and Natale of Woburn) congratulating Robert H. Skelley IV on his receipt of the Stoneham Chamber of Commerce's 2007 Stoneham Superstar Award;

Robert H. Skelley IV.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Benjamin Haines on receiving the Eagle Award of the Boy Scouts of America;

Benjamin Haines.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Thomas Luly on receiving the Eagle Award of the Boy Scouts of America; and

Thomas Luly.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Phillip Zabriskie on receiving the Eagle Award of the Boy Scouts of America;

Phillip Zabriskie.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rodrigues of Westport, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

The House Bill relative to health care access (House, No. 4310) came from the Senate with the endorsement that said branch had insisted on its amendments (in which the House had non-concurred).

Health care, access.

The bill bore the further endorsement that the Senate had asked for a committee of conference on the disagreeing votes of the two branches; and that Senators Moore, Panagiotakos and Tarr had been appointed as the committee on the part of the Senate.

Committee of conference.

On motion of Mrs. Walrath of Stow, the House insisted on its non-concurrence; and concurred with the Senate in the appointment of a committee of conference. Representatives Walrath, Mariano of Quincy and Hargraves of Groton then were appointed as the committee on the part of the House. Sent to the Senate to be noted.

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The engrossed Bill further regulating sewer connections in the town of Charlton (see Senate, No. 1152, amended), which had been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2316) came from said branch with the endorsement that said amendment had been adopted as follows:

Charlton, sewer connections.

In section 1, in the first sentence, striking out the words "single-family residences" and inserting in place thereof the words "residential use".

Under suspension of Rule 35, on motion of Mr. Alicea of Charlton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The engrossed Bill further regulating the water supply connections in the town of Charlton (see Senate, No. 1153), which had been returned to the Senate by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2317)

Charlton, water connections.

Charlton, water connections.

came from said branch with the endorsement that said amendment had been adopted as follows:

In section 1, striking out the words "single-family residences" and inserting in place thereof the words "residential use".

Under suspension of Rule 35, on motion of Mr. Alicea of Charlton, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The engrossed Bill authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2270), which had been returned to the Senate by His Excellency the Governor with recommendation of amendments (for message, see Senate, No. 2239), came from said branch with the endorsement that it had adopted said amendments, as follows:

In section 1, in the first sentence, striking out the word "Mart" and inserting in place thereof the word "Market"; and

Striking out section 2 and inserting in place thereof the following section:

"SECTION 2. Upon issuance of the license for the sale of all alcoholic beverages not to be drunk on the premises to Azevedo's Mini Market Ltd., pursuant to section 1, Azevedo's Mini Market Ltd. shall return to the town the license for the sale of wines and malt beverages that it presently holds."

Under suspension of Rule 35, on motion of Mr. Alicea of Charlton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Immigration Custom Enforcement Facility, in the town of Dartmouth;

Of the Dartmouth Jail and House of Correction, in the town of Dartmouth; and

Of the Dartmouth Women's Center, in the town of Dartmouth;

Severally were spread upon the records of the House; and returned to the Senate.

A petition (accompanied by bill, Senate, No. 2400) of Stanley C. Rosenberg and Peter V. Kocot (with the approval of the mayor and city council) for legislation relative to the investment of trust funds for the city of Northampton, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2412) of Dianne Wilkerson for legislation to require the disclosure of location and conditions of manufacture of services and supplies furnished to the

Rehoboth,  
liquor  
license.

Correctional  
facilities,  
inspection  
reports.

Northampton,  
trust funds.

State supplies,  
procurement.

Commonwealth. To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill, Senate, No. 2411) of Stephen M. Brewer and Anne M. Gobi for legislation to authorize the Massachusetts Highway Department to grant certain easements in the town of Petersham. To the committee on Transportation.

The following notice was received from the Clerk of the Senate, to wit:—

November 9, 2007.

Honorable Salvatore F. DiMasi  
Speaker of the House of Representatives  
Room 356 State House  
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Richard R. Tisei, Senate Minority Leader, has announced his appointment of Senator Bruce E. Tarr to serve as a member of the Electronic Health Records Task Force established (pursuant to Chapter 130 of the Acts of 2007) within the Office of Health and Human Services.

Respectfully submitted,

WILLIAM F. WELCH,  
*Clerk of the Senate.*

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Michael G. Messina that companies issuing insurance policies to homeowners be prohibited from cancelling such policies for harboring certain breeds of dogs. To the committee on Financial Services.

Petition (accompanied by bill) of Hugh J. Fitzpatrick III for legislation to authorize electronic notarizations by notaries public. To the committee on the Judiciary.

Joint petition (accompanied by bill) of Susan Williams Gifford and Marc R. Pacheco for legislation to establish the North Carver Water District in the town of Carver. To the committee on Municipalities and Regional Government.

Petition (accompanied by bill) of Ronald Mariano for legislation to grant certain income tax credits for the motion picture industry conducting business operations in the Commonwealth. To the committee on Revenue.

Under suspension of the rules, on motion of Mr. Donato of Medford, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Petersham,  
easements.

Health Records  
Task Force,  
appointment.

Homeowners,  
insurance.

Electronic  
notarizations.

North Carver  
Water  
District.

Film  
industry,  
tax credits.

Law  
enforcement  
memorial

fund.

By Mr. Kaufman of Lexington, for the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 63) of Walter F. Timilty and others relative to establishing the Massachusetts law enforcement memorial fund,— and recommending that the same be referred to the committee on Public Safety and Homeland Security. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

M.B.T.A.,  
study.

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, Nos. 3610, 3621, 3636 and 3694, an Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning the Massachusetts Bay Transportation Authority (House, No. 4366). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

IT Board.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the following bills ought to pass:

Economy  
council.

Bill relative to the Information Technology Advisory Board (House, No. 348); and

Bill establishing the Massachusetts creative economy council (House, No. 4309);

Needham, land  
exchange.

Severally referred, under Rule 33, to the committee on Ways and Means.

University of  
Massachu-  
setts,  
police.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 4193, a Bill authorizing the Division of Capital Asset Management and Maintenance to exchange certain land in the town of Needham (House, No. 4367).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to the University of Massachusetts police department (House, No. 2301).

Town  
meetings,  
June.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Municipalities,  
absences.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on House, Nos. 1943 and 1964, a Bill allowing town meetings to be held in June (House, No. 1943).

Municipal  
expenditures.

By the same member, for the same committee, on a petition, a Bill relative to compensated absences in cities and towns (House, No. 1949).

Capital  
project  
funds.

By the same member, for the same committee, on a petition, a Bill relative to the expenditure of certain municipal and district monies (House, No. 1950).

By the same member, for the same committee, on a petition, a Bill to increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1951).

Wareham,  
sewer  
project.

By the same member, for the same committee, on a petition, a Bill relative to the interest rate to be charged upon apportioned betterment assessments for the Weweantic Sewer Project in the town of Wareham (House, No. 3985) [Local Approval Received].

Wareham,  
betterments.

By the same member, for the same committee, on a petition, a Bill relative to interest rates to be charged upon apportionment betterment assessments in the town of Wareham (House, No. 3986) [Local Approval Received].

West Boylston,  
hiring  
practices.

By the same member, for the same committee, on a petition, a Bill relative to administrative oversight of the hiring process in the town of West Boylston (House, No. 4099) [Local Approval Received].

Plymouth,  
charter.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Plymouth (House, No. 4267) [Local Approval Received].

Orange,  
town  
meetings.

By the same member, for the same committee, on a petition, a Bill relative to town meetings in Orange (House, No. 4277) [Local Approval Received].

Orange,  
firearms.

By the same member, for the same committee, on a petition, a Bill relative to firearms licensing (House, No. 4278) [Local Approval Received].

North Andover,  
conservation  
district.

By the same member, for the same committee, on a petition, a Bill establishing a neighborhood conservation district in the town of North Andover (House, No. 4279) [Local Approval Received].

Edgartown,  
Pennywise  
Preserve.

By the same member, for the same committee, on a joint petition, a Bill relative to conservation restrictions on certain parcels of land under the control of the town of Edgartown. (House, No. 4294) [Local Approval Received].

Methuen,  
credit  
union.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Methuen to lease a portion of that building known as the Quinn Building to Methuen Municipal Employees Federal Credit Union (House, No. 4325) [Local Approval Received].

Greenfield,  
charter.

By the same member, for the same committee, on a petition, a Bill relative to the Greenfield town charter (House, No. 4331) [Local Approval Received].

William  
Ryan,  
sick leave.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for a certain employee of the Berkshire County sheriff's department (House, No. 4285).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Emergency Measure.*

The engrossed Bill relative to the annual observance of Leopoldville Disaster Remembrance Day (see Senate, No. 1873, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Leopoldville  
Disaster  
Remembrance  
Day.

Bill  
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the noon recess having terminated, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed Bill.*

Recess.

The engrossed Bill further regulating certain appliances (see Senate, No. 1964) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Recess.*

At eighteen minutes before twelve o'clock noon, the Chair (Mr. Petrolati of Ludlow) declared a recess subject to the call of the Chair; and at nine minutes before four o'clock P.M. the House was called to order with Mr. Donato of Medford in the Chair.

Next  
sitting.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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At seven minutes before four o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.